

Raymond Edwards
799 Randolph Road
Middletown, CT 06457

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Raymond Edwards, LPN
Licensed Practical Nurse License No. 026554
Respondent.

CASE PETITION NO. 980306-001-004

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated May 4, 1998 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Raymond Edwards (hereinafter "respondent") which would subject respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of respondent presented a clear and immediate danger to public health and safety. On May 6, 1998, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated May 6, 1998, scheduling a hearing for May 20, 1998 (Department Exhibit 1).

Respondent was provided notice of the hearing and charges against him. Department Exhibit 1 indicates that the Notice of Hearing, Statement of Charges, and the Summary Suspension Order were served on respondent by Deputy Sheriff on May 13, 1998.

The hearing scheduled for May 20, 1998, was continued at respondent's request and took place on June 17, 1998 and July 15, 1998, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was present on both hearing dates and was represented by counsel (Hearing Transcripts, June 17, 1998, July 15, 1998).

During the hearing on June 17, 1998, respondent made a motion that since the Statement of Charges included allegations stemming from separate incidents, each allegation should be heard by separate and distinct Boards and/or each separate allegation be heard in separate hearings. Following oral argument the Board denied respondent's motion (Hearing Transcript, June 17, 1998, pp. 3-9).

Respondent verbally answered the Statement of Charges (Hearing Transcript, June 17, 1998, pp. 20-21).

At the conclusion of the hearing the Board ordered that the Summary Suspension of respondent's license ordered on May 6, 1998 be vacated pending a final decision in this matter (Hearing Transcript, July 15, 1998, p. 38).

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Licensed Practical Nurse License Number 026554 on January 31, 1997. Respondent was the holder of said license at all times referenced in the Statement of Charges (Department Exhibit 2) (Answer: Hearing Transcript, June 17, 1998, p. 20).
2. Between April and November 1997, respondent was employed as a licensed practical nurse at Harbor Hill Center, Middletown, Connecticut (Answer: Hearing Transcript, June 17, 1998, p. 20- 21).
3. While on duty as a licensed practical nurse at Harbor Hill Center, respondent made comments of a sexual nature to nurse's aide T.M. Said comments occurred while respondent and T.M. were at a nurses station, a patient area. (Department Exhibit 1-B) (Hearing Transcript, June 17, 1998, pp. 57-58).

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Raymond Edwards held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that between approximately April 1997 and November 1997, while employed as a licensed practical nurse at Harbor Hill Center, Middletown, Connecticut respondent failed to adhere to appropriate nursing standards, in that:

- “a. He exposed himself in the room a patient; and/or
- b. He touched the breast of a female patient; and/or
- c. He made comments of an overly personal and/or sexual nature to staff members.”

Respondent denies these charges (Hearing Transcript, June 17, 1998, p. 21).

Regarding Paragraphs 3a and 3b, the Board concludes the Department did not present sufficient evidence to prove these charges. Therefore, Paragraphs 3a and 3b of the Statement of Charges are dismissed.

The Board concludes there exists credible evidence that respondent, while on duty as a licensed practical nurse and while at a nurses station at Harbor Hill Center, Middletown, Connecticut, made personal and sexually suggestive comments to a nurses aide.

The General Statutes of Connecticut §20-99 provides in relevant part:

“(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17...(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following:...(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions....”

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraph 3c of the Statement of Charges is proven and that said conduct fails to conform to the accepted standards of the nursing profession. Therefore, respondent's license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 3c of the Statement of Charges, respondent's licensed practical nurse license, No. 026554, is reprimanded.
2. This Memorandum of Decision becomes effective on the date signed by the Board of Examiners for Nursing .

The Board of Examiners for Nursing hereby informs respondent, Raymond Edwards, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 16th day of June 1999.

BOARD OF EXAMINERS FOR NURSING

By

